

# THE ROLE, STRUCTURE, AND OPERATION OF THE COMMISSION



CALIFORNIA  
POSTSECONDARY  
EDUCATION  
COMMISSION

## Summary

In an effort to assess California's need for each presently existing State-funded advisory body, the Legislature passed and the Governor signed Senate Bill 2374 (Presley, 1990), which requires the 1992-93 Governor's Budget to include an evaluation of every existing and proposed State-funded advisory body based on ten specified criteria ranging from the uniqueness of the agency and the composition of its membership to the accessibility of its meetings to the public and its working relationships with other government agencies. Following those evaluations, the Legislature and Governor will determine which, if any, of the agencies should be eliminated. Those agencies identified to be eliminated will be funded only through January 1, 1993, and are thereafter to be terminated.

Because of the Commission's role, responsibilities, functions, and funding source, it falls under the provisions of SB 2374. Anticipating the implementation of SB 2374, the Commission staff brought this statement to the Commission for discussion at its September 28, 1991, meeting for two reasons: (1) to receive advice from Commissioners early in the process of framing a formal response to SB 2374, and (2) to take advantage of the opportunity provided by SB 2374 to review the enabling statute creating the Commission and to describe the benefits that accrue to the State from an independent, non-partisan advisory agency for higher education.

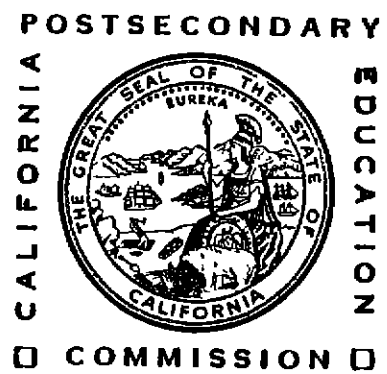
The statement opens with a brief section explaining its origins in SB 2374 and then responds in sequence to each of the ten criteria enumerated in that bill. It ends with examples of six ways in which the Commission saves the State millions of dollars in fulfilling its statutory responsibilities of "eliminating waste and unnecessary duplication" of California's public postsecondary education facilities and assuring the "effective utilization" of these facilities.

Additional copies of this statement may be obtained from the Publications Office of the Commission at (916) 324-4992. Questions about the substance of the document may be directed to Bruce D. Hamlett, the Commission's Director of Legislative Affairs and Budget Analysis, at (916) 322-8010.

# THE ROLE, STRUCTURE, AND OPERATION OF THE COMMISSION

*A Preliminary Response  
to Senate Bill 2374*

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# Contents

Summary of SB 2374 (Presley, 1990)	1
Status of the Sunset Review	2
1. The Function of the Commission	2
2. Uniqueness of the Commission	3
3. Size of the Commission	5
4. Composition of the Membership	5
5. Appointment of Executive Director	5
6. Appointing Authority for Public Members	5
7. Conflict-of-Interest Provisions and Accessibility of Commission Meetings to the Public	5
8. Directives Regarding Ethnic and Cultural Diversity	5
9. Working Relationship Between the Commission and Other Governmental Agencies	6
10. Duration of the Commission	7
Additional Considerations	7
Conclusion	9
References	9
Appendix: Senate Bill 2374 (Presley, 1990)	11

# The Role, Structure, and Operation of the Commission

## *A Preliminary Response to Senate Bill 2374*

IN THE PAST several years, the severe budget crises have brought into sharp focus questions about spending priorities in all parts of the State budget. On several occasions, the Legislature has questioned continued support of all "non-essential" functions -- in particular, agencies whose primary function is advisory and that provide no direct services. Unfortunately, these kinds of questions tend to come up at the eleventh hour, in a crisis situation without the benefit of much debate or analysis, and they are responded to as such. When the moment passes, so does the question.

But recognizing the legitimacy of the question, and in an effort to be as systematic as possible in evaluating the relative priorities of spending on advisory functions instead of direct services, in 1990 the Legislature passed and the Governor signed SB 2374 (Presley, reproduced in the appendix), to cause a comprehensive "sunset review" process of all advisory boards and commissions. Because of its role, responsibilities, functions, and funding source, the Commission falls under this legislation.

### Summary of SB 2374 (Presley, 1990)

Section 9 of SB 2374 (pp. 15-16 below) requires the Department of Finance, in preparation of the 1992-93 budget, to evaluate all State-funded advisory bodies on ten criteria. Based on these evaluations, the Governor and Legislature are to determine which, if any, of those agencies should be eliminated by January 1, 1993, absent a positive evaluation, such elimination of funding by January 1, 1993 would be automatic.

The ten evaluation criteria are.

- 1 The function of the advisory body
- 2 Its uniqueness -- "whether there is another appropriate governmental entity capable and suitable to carry on the function performed by the advisory body even if the next responsibility

necessitates changing the composition or mandate of an existing body."

- 3 Its size -- "whether the size of the advisory body is no larger than necessary to assure a range of viewpoints and to reflect this state's diversity (7 to 13 members) "
- 4 The composition of its membership -- "whether consumers and the general public constitute a majority of voting members or is there justification for specific advice from experts only "
- 5 Procedures for the appointment of the executive officer -- "whether the advisory body is authorized to have an executive officer appointed by the advisory body, and subject to Senate confirmation "
- 6 Appointing authority for public members, including Senate confirmation -- "whether the agenda of the advisory body is significant to the Legislature or to a constitutional officer or if the advisory body reports to the Legislature, or a constitutional officer, whether the Legislature or the constitutional officer share in the appointing authority. If the Governor makes all of the appointments, whether those appointments [are] subject to Senate confirmation."
- 7 Conflict-of-interest provisions for members, and accessibility of meetings to the public -- "whether strict conflict-of-interest provisions are applicable for each appointed member of the advisory body and the meetings of the body are open to the public "
- 8 Diversity of members -- "whether appointing authorities are directed to appoint persons reflecting the ethnic and cultural diversity of the state "
- 9 Cooperation with other agencies -- "Whether a clear working relationship exists between the advisory body and other governmental agencies with which the advisory body reviews, advises, or plans "

10 Duration of the agency -- "whether the advisory body is created to review and report on a specific issue, whether there is a date for reporting and a date at which time the advisory body shall terminate "

### Status of the Sunset Review

Since the passage of SB 2374, and because of workload pressures caused by budget reductions, the Department of Finance is discussing the possibility of a one-year delay in implementing the bill. However, Commission staff believe it productive to begin the discussion about the role and value of the Commission in spite of that possible delay, since the continuing State budget pressures make it likely that the Legislature and others will question the need for agencies that do not provide direct services.

Partly in anticipation of such an eventuality, but also to take advantage of the opportunity provided by the legislation to address legitimate issues of role, structure, operation, and productivity, Commission staff have prepared this preliminary review using the ten criteria contained in the Presley legislation as a point of departure for what is expected to be a continuing dialogue over the next year or more.

#### 1. The Function of the Commission

The Commission was established in 1973 through the enactment of Assembly Bill 770 (Vasconcellos, Chapter 1187, Statutes of 1973) and incorporated into law as Chapters 11 and 12 of the California Education Code. The Commission is California's statewide coordinating and planning agency for higher education. It is responsible for integrating program planning (policy goals, enrollment projections, physical facilities requirements, and the like) with an assessment of the extent to which the State's system of higher education has met its objectives. It is primarily a research and advisory agency, with a general responsibility for assuring "the effective utilization of public postsecondary education resources, thereby eliminating waste and unnecessary duplication, and to promote diversity, innovation, and responsiveness to student and societal needs through planning and coordination." To

that end, it focuses on general issues of fiscal and program accountability across the systems in higher education. Among its statutory responsibilities are

- Evaluation of budget requests of state-supported colleges and universities,
- Review of proposals by public institutions for new degree programs and facilities,
- Operation of a statewide information system about California's postsecondary facilities,
- Analysis of the financial condition of independent colleges and universities, and
- Administration of federal grant programs affecting higher education.

Two recent external reviews of higher education in California have indicated the need to expand the Commission's role in order to meet the needs of the State.

First, the Organization for Economic Cooperation and Development (OECD) -- an organization composed of Western European countries and Japan which fosters collaboration among democracies -- examined California, as the sixth largest economy in the world, and its system of higher education in 1988. OECD concluded in its 1990 report, *Higher Education in California*, that the Commission was a vital link that needed both expanded resources and greater acknowledged responsibilities.

Second, both the Commission for the Review of the Master Plan for Higher Education (1987) and the Legislature's Joint Committee for Review of the Master Plan for Higher Education (1989) concluded that the Commission's role should expand to include

- Long-range planning which takes into account "such matters as projected enrollment growth, undergraduate and graduate academic plans, faculty supply and demand, educational equity, facility and space standards, potential uses of new technology, funding sources, the need for student services, and the impact of one segment's decision on the academic and financial health of the others."
- Analysis leading to greater efficiency and cost-containment strategies in higher education, including issues related to the utilization of unused

capacity in the community colleges and independent segments,

- Integration of the independent and private postsecondary education systems into the State's planning process,
- Coordination of long-range campus expansion planning within and between the systems which take into account the economic and social transformations of the State,
- A comprehensive assessment function, and,
- Examination of the formulae used to appropriate State support for public postsecondary education

In large measure, many of the issues identified by this review process of the Master Plan have consumed the Commission's work during the last few years

Every state in the nation has an agency analogous to the Commission in terms of serving the statewide coordinating function for higher education. In some states, the statewide agency has program administrative responsibilities for financial aid as well as the policy and planning authority, California has a separate Student Aid Commission for this function. In most states, the statewide agency has regulatory authority in the areas of new degree and facilities programs as well

California has chosen the path of decentralization of authority and responsibility for accountability to the governing boards in lieu of a strong statewide governing function, largely in deference to the constitutional autonomy of the University of California. Thus, in comparison to other states, California's investment for statewide coordination and accountability, vis-a-vis its investment in central segmental level administrations, is significantly small

## **2. Uniqueness of the Commission**

The Commission serves a unique role in State government, integrating both fiscal, programmatic, and policy analysis across the various system of higher education. No other agency provides the same kind or quality of information about higher education in California although the Legislative Analyst and the Department of Finance have historically focused on budget oversight of the Gen-

eral Fund budget of the systems, the Commission is the sole source of independent information about educational policy and student flow through the system, including its ongoing research reports on the rate of eligibility of high school graduates to attend the State's public universities, college-going rates, transfer of community college students, retention, baccalaureate attainment, and patterns of attendance in graduate school. The Commission also has oversight responsibility for independent and private postsecondary education, and looks at the role and effectiveness of State policy in integrating those two segments into the fabric of higher education

In addition to providing this research information, the Commission serves a coordinating role, in bringing together key parties throughout higher education and State government to find consensus about difficult policy areas. Examples of important State policy areas where the Commission has developed consensus among different interest groups are

- Student fee and financial aid policy, which resulted in the fee stabilization legislation authored by Senator Maddy (SB 195), and
- Educational equity for students with disabilities, where the Commission pulled together consensus on funding for disabled student services, with the consensus enacted through legislation authored by Assemblyman Hayden (AB 746), and
- Educational equity for low-income and underrepresented minority students, where the Commission's executive director chaired the task forces that resulted in a statewide plan for achieving the educational equity goals specified in Assembly Concurrent Resolution 83, sponsored by Assemblyman Chacon

The Legislature and Governor (largely through the Department of Finance) also frequently turn to the Commission to act as the honest broker in areas that are specific to one segment but that require assistance from a neutral party. Recent examples of such "broker" roles are the work done on the size and role of the State University's central administration, and work on community college finance, including the development and implementation of program-based funding. The Commission has also played an active role in seeking consensus and finding resolution on the Master Plan's priority of enhanced transfer, and it has coordinated its analysis



of the new campus needs of the segments with the segments themselves, but its conclusions and advice were its own

The Commission is a consistent advocate for higher education but also an informed and independent critic of it. Although the Commission seeks to find consensus among all parties before providing advice to the Governor and Legislature, as an independent entity it can and does reach conclusions and provide advice on issues where consensus is not reached. Its priorities over the past ten years have been for improved use of resources, more coordination between the systems of higher education, better accountability, and more service to students and the State. Unlike the Department of Finance or the Legislative Analyst, the Commission is not motivated with finding places to cut budgets, but it is also not afraid to disagree with the systems about their spending priorities.

The premise on which the Commission operates is that the promise of the Master Plan for Higher Education can be realized only if there is reasonable balance among the different missions and functions of the higher educational segments. Absent that balance, and absent a fully coordinated system, the promise of differentiation of function and quality matched with access can fail.

The Commission has been a consistent advocate for students and faculty historically underrepresented in higher education, and has taken the lead in crafting State policy on issues of educational equity. That priority is motivated not only by the statutory charge to the Commission, but emanates from its work in anticipating the demographic -- and thus the educational policy -- changes facing the State.

The Commission sets the policy for its research agenda, and has been successful in developing a research agenda of issues that anticipate the major program, funding, and policy issues before the State. Much of its work finds its way into policy recommendations that are adopted by the Legislature and the segments. Examples of work of the Commission in the past five years that demonstrate this track record include:

- *The Infrastructure Needs of California Public Higher Education Through 2000*, which combined the projected enrollment and capital outlay

needs for all of higher education through 2000

- *Higher Education at the Crossroads*, which showed the enrollment, capital outlay, programmatic and financing dilemmas faced by California higher education in the next 15 years, and which found insufficient documentation by the University of California and the California State University for the number of new campuses sought by those systems
- *Planning for a New Faculty*, a projection of the number of new faculty needed in California higher education over the next 15 years
- *Telecommunications and the Future of Education*, containing recommendations for State policy to encourage and foster telecommuting alternatives to traditional classroom instruction
- Work on the use of part-time and irregular ranks faculty in fulfilling the teaching mission of the different segments (in progress)

Finally, the Commission is the information clearinghouse for higher education in California. A major component of CPEC's enabling legislation called for the establishment and maintenance of a State-level information, collection, analysis and publishing program addressing California's system of higher education. As the State's clearinghouse for all data in higher education, the Commission also coordinates the Integrated Postsecondary Education Data System (IPEDS) survey of the National Center for Education Statistics for all higher education institutions in the State. The Commission maintains information on fall term enrollments, degrees awarded, faculty and staff, institutional characteristics, high school graduates and enrollments, finance, high school eligibility, and a variety of other information bases. It also maintains a research library on higher education that contains some 40,000 books, 185,000 microforms, and over 250 periodicals. Its holdings are listed in the California Union List of Periodicals (CUL). In addition to regular research and reference requests from Commissioners and staff, the library responds to about 200 information requests each month from outside sources.

All of this information is made available upon request to anyone who asks for it at no cost to the consumer. Information is provided through computer printouts, floppy discs, or computer tapes, Commis-

sion "data reports" (such as its *Student Profiles*, *Fiscal Profiles*, and *Data Abstracts* series), and its policy reports. Over 14,000 individual requests for such information are answered each year.

### **3. Size of the Commission**

By present statute, the Commission has 17 members. A majority of nine represent the general public, with three each appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly. Six others represent the major segments of California education -- the University of California, the California State University, the California Community Colleges, California's independent colleges and universities, California's State-approved postsecondary and vocational institutions, and California's elementary and secondary schools. The final two members are student representatives, to be appointed by the Governor.

### **4. Composition of the Membership**

Of the 17 members of the Commission, the majority of nine are public members, whose appointing authority was noted above.

Five of the six members representing the major segments of California education are representatives of the following bodies and serve at their pleasure: the Regents of the University of the California, the Trustees of the California State University, the Board of Governors of the California Community Colleges, the State Board of Education, and the Council for Private Postsecondary and Vocational Education. The representative of California's independent colleges and universities is appointed by the Governor from nominees recommended by the Association of California Independent Colleges and Universities.

The two student representatives are appointed by the Governor from nominees recommended by the several student body associations of the segments.

None of the members of the Commission may be employed by an educational institution.

### **5. Appointment of Executive Officer**

The Commission appoints, and may remove from the position, its executive director. Two-thirds of the sitting Commissioners must vote for a candidate in order for the person to be appointed to, or removed from, that position. No Senate confirmation is required for appointment as executive director.

### **6. Appointing Authority for Public Members**

Three members of the Commission representing the general public are appointed by the Governor, as are the two student representatives and the representative of California's independent colleges and universities, and three public members are each named by the Speaker of the Assembly and the Senate Rules Committee.

### **7. Conflict-of-Interest Provisions and Accessibility of Commission Meetings to the Public**

Every member of the Commission completes the State's conflict-of-interest form upon appointment and on a yearly basis for the duration of the appointment.

All meetings of the Commission are open to the public, except those held in accordance with Government Code Section 11126(j), which relate to personnel matters. Notice of public meetings are distributed widely and routinely at least ten days in advance of the meeting.

### **8. Directives Regarding Ethnic and Cultural Diversity**

Although not specifically directed to do so, the appointing authorities strive to select individuals to serve on the Commission who reflect the ethnic and cultural diversity of the State. Of the present 14 seating members of the Commission, the racial-ethnic and gender composition is indicated in Display 1 on the following page.

**DISPLAY 1 Racial-Ethnic and Gender Composition of the Present Members of the Commission, September, 1991**

Racial-Ethnic Distribution		Gender Distribution	
Asian	1	Female	4
Black	1	Male	<u>10</u>
Latino	1	Total	14
White	<u>11</u>		
Total	14		

Note Three vacancies currently exist in the Commission's membership

With respect to the staff, the racial-ethnic and gender composition is indicated in Display 2

**DISPLAY 2 Racial-Ethnic and Gender Composition of the Commission Staff, September, 1991**

Racial-Ethnic Distribution		Gender Distribution	
Asian	6	Female	29
Black	6	Male	<u>18</u>
Latino	5	Total	47
White	<u>30</u>		
Total	47		

With an agency this small and with no growth in positions, hiring opportunities come only through turnover. In the past five years, the Commission has had sufficient staff turnover to make a number of new hires. With these new hires, the Commission has been able to make some real progress in strengthening both the quality and the diversity of its staff, as Display 3 at the right shows

**9. Working Relationship Between the Commission and Other Governmental Agencies**

The Commission works collaboratively with other governmental agencies, including the Governor and

**DISPLAY 3 Racial-Ethnic and Gender Composition of Permanent New Hires Between July 1, 1988, and July 1, 1991**

Ethnicity	Male	Female	Total
Asian	2	3	5
Black	2	6	8
Latino	0	1	1
White	<u>3</u>	<u>0</u>	<u>3</u>
Total	7	10	17
Disabled	1	0	1

the Legislature. Examples of the ways in which it cooperates with these bodies are

*The Governor*

Primarily through the Department of Finance, the Commission provides independent advice to the Governor about fiscal issues. Its staff attends meetings held between the Department of Finance staff and representatives of the educational systems to discuss augmentation requests (Budget Change Proposals). When the Governor has a higher education advisor, the Commission provides information and analysis on issues of importance to the Governor. Moreover, often the Governor's Office will initiate, through legislation, studies that it wishes the Commission to conduct. An example of this collaboration is the study mandated in the 1988-89 Supplemental Budget Act that directs the Commission to examine the effectiveness of State-funded programs operated on an intersegmental basis designed to improve the preparation of underrepresented students to attend college.

*The Legislature*

The Legislature directs the Commission to conduct studies on a variety of issues of importance to the State. Among those studies are

- Several reports on the issues of State oversight of private postsecondary education and State reliance on voluntary accreditation, which culminated in legislation sponsored by the Commission in 1989 (SB 190, Morgan)
- *Time Required to the Bachelor's Degree*, a report

that documented the norm of the five-year baccalaureate, and some of the reasons for it (SB 2066, Morgan)

- A needs assessment of California's immigrant population, which was used as a justification for federal funds for the State Legalization Impact Assistance Grant (SLIAG) program under the 1986 Immigration Reform and Control Act (ACR 128, Torres)
- *Toward an Understanding of Campus Climate*, a means of objectively measuring how students, faculty and staff perceive the climate of diversity and tolerance on their campuses (AB 4071, Vasconcellos)
- *Shortening Time to the Doctoral Degree*, an analysis of the average time students take to receive the Ph D and suggestions of means to shorten it (SCR 66, Hart)
- *A Capacity for Learning*, containing detailed comparisons of California's space and utilization standards for higher education compared to those of the other states, plus proposals for streamlined and more cost-effective standards for planning capital construction in higher education (1985 Supplemental Budget Act)

Additionally, Commission staff testify routinely on proposed legislation in committee hearings. Often, the staff will work with legislators on bills of particular interest to the member and serves as a consensus-builder with the educational systems on specific pieces of legislation.

Moreover, the Commission cooperates with the Legislative Analyst's Office in analyzing the budgets and Budget Change Proposals submitted by the educational systems.

### *The Systems of Education*

The Commission undertakes virtually all of its research and policy work in a consultative fashion, involving representatives of the systems of higher education and, when appropriate, of the public school system, as well as staff from the Department of Finance and the Legislature. In addition, the Commission and its executive director work closely with the individual systems of higher education, both through individual system representatives who serve on the Commission's standing Statutory Advi-

sory Committee (called for in the Commission's founding legislation) as well as through the California Educational Roundtable.

## **10. Duration of the Commission**

The Commission was created to serve as the planning and coordinating agency for the State with respect to higher education. As such, its work is continuous and not specific-issue driven. No date, therefore, has been established for the Commission to terminate, and no termination date would be feasible.

## **Additional considerations**

While this concludes the specific issues outlined in the Presley Bill, the benefit to California accruing from the existence of the Commission may also be illustrated in terms of cost-effectiveness. As stated earlier, part of the Commission's charge is to eliminate waste and unnecessary duplication, thereby serving the needs of the State by using resources as efficiently as possible. An illustration of the agency's response to that responsibility may be helpful in viewing its benefit to the State.

In 1990, the Commission made recommendations that, if implemented, would save the State millions of dollars in at least seven areas.

### *Reduction in Expansion of Public Higher Education*

The Commission recommended against creation of a State University marine laboratory that, had it been built, would today be costing more than the Commission's entire budget. Other savings were realized when the Commission turned down proposals for a school of veterinary medicine in Fresno and a new community college campus in Orange County, and scaled back enrollment projections for the Contra Costa Center and San Marcos campus of the California State University. More modest programs have also been refused, plans for many others have not been submitted simply because of the Commission's existence, and plans for still others have been developed far more carefully than they

otherwise would have been, lest the Commission turn them down

#### *Avoidance of Unneeded New Programs*

The Commission represents the public interest in reviewing plans for new programs proposed by the University of California, the California State University, and the California Community Colleges. It applies seven criteria to each program and either concurs or does not concur with the establishment of each. Within the last year, it turned down a proposal for a joint doctorate in education administration for reasons of both quality and cost.

#### *Reduced Increases in State University Faculty Salaries*

In 1984, the California State University asked that the Commission allow it to use a new list of comparison institutions and a new methodology for computing its needed faculty salary levels. The Commission rejected the new methodology on the grounds of analytic integrity and eventually reached agreement on a solution that assured greater integrity in the salary computation while saving the State a considerable amount of money.

#### *Consolidation of Higher Education Data*

The Commission maintains the only comprehensive set of data in the State on higher education enrollments, degrees conferred, faculty, staff, and finances. It responds to over 2,000 requests for specific information from this data base each year, many of them from the state's own colleges and universities. In addition, its own research staff use this data base for projects ranging from long-range planning, campus siting, and program review to issues of faculty and staff compensation and equity. Since these are issues of continuing interest to State officials, comparable data from year to year are required. Much more than is currently expended by the Commission would be needed for this effort if each of the state's systems had to individually collect and analyze intersegmental data.

#### *Savings from Coordinated Eligibility Study*

At the request of the Legislature and Governor, the

Commission has conducted three major studies over the past 15 years to assess the eligibility of public high school graduates for enrolling in the University of California or the California State University, compared with the enrollment guidelines first established in the State's 1960 Master Plan for Higher Education. Commission staff have developed such expertise and efficiency in the conduct of these studies that the State would have to spend considerably more for the fourth of these studies than it appropriated to the Commission in the current budget year for the study.

#### *Centralized Processing of Data for Federal Funds*

The Commission is California's designated agency for processing survey data mandated by the federal government to monitor the compliance of colleges and universities with federal funding requirements. California's participation in federal financial aid programs currently depends on data that only the Commission can furnish at this time. If the Commission were unable to fulfill this obligation, the State would be in jeopardy of losing all of the federal aid funds that it receives. The National Center for Education Statistics, the federal Office of Civil Rights, and the federal Equal Employment Opportunity Commission would have to find another agency with the Commission's capability to coordinate this data processing. If the State's educational institutions had to generate their own data, this duplicative programming would cost the State much more annually than it provides the Commission for this purpose.

#### *Avoidance of Overexpansion of Public Facilities in the Future*

In January 1990, the Commission recommended that by increasing the maximum Cal Grant A award to the level called for by State policy, many highly qualified California students would attend independent institutions rather than the University of California, thus saving the State millions of dollars per year, since the increased cost of the awards would be far less than the level of State funding required to support these students at the University.

In addition, the Commission concluded that Califor-

nia does not need to build all of the new campuses that the University and the State University believed might be needed in coming years. By accommodating more students on existing campuses and in off-campus centers rather than on totally new comprehensive campuses, the State will be able to save additional millions a year at the State University and the University through lower capital outlay costs.

### Conclusion

In summary, only a statewide coordinating agency such as the California Postsecondary Education Commission can accomplish a wide number of cost-saving functions and prevent the waste of public resources by avoiding unnecessary duplication of effort -- and at the same time assist the State by engaging in long-range planning for the purpose of expanding educational opportunity and enhancing quality in California higher education.

The fact that every other state in the nation has established an agency similar to the Commission indicates that statewide planning and coordination of

higher education is cost-effective and necessary in order to meet the needs of the nation with respect to the education of its residents.

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GRADE \_\_\_\_\_

[Approved by Governor September 29, 1920. Filed with  
Secretary of State September 30, 1920.]

## LEGISLATIVE COUNCIL'S DIGEST

SB 3374; Presley. State advisory committees and task forces.

(1) Existing law creates various state advisory committees and task forces.

This bill would express the intent of the Legislature to review and evaluate existing and proposed advisory committees and task forces, and to abolish those which are determined unnecessary or inefficient, or which are undertaking duplicative activities.

The bill would repeal various provisions relating to and relating to task forces no longer having duties which they are required to perform.

(2) Existing law does not require the executive branch to evaluate advisory bodies in state government.

This bill would require the Governor's Budget for the 1993 fiscal year to include an addendum which evaluates the need for every state-funded advisory body, as determined by state government according to specified criteria. On and after January 1, 1993, money could not be expended for the support of any advisory body which has not been evaluated by the addendum, or for any advisory body that was not included in this evaluation.

The bill would state the intent of the Legislature to utilize the evaluation in order to determine which advisory bodies should continue and which ones should be terminated. The bill would require the Legislature to enact legislation in its Budget Act of 1993 to terminate any advisory bodies that are to be terminated.

The bill would require the Governor's Budget for the 1993 fiscal year to include only through January 1, 1993, and to enact legislation in 1993 which would be to be terminated, and to enact legislation in 1993 which would be to be terminated.

effective on January 1, 1993, to terminate those advisory bodies that are to be terminated

*The people of the State of California do enact as follows*

**SECTION 1** It is the intent of the Legislature to review and evaluate existing and proposed state advisory commissions and task forces, and to abolish those which are determined unnecessary or inefficient, or which are undertaking duplicative activities.

**SEC 2** Section 54444.1 of the Education Code is amended to read

**54444.1** (a) In implementing the state master plan for services to migrant children, the Superintendent of Public Instruction shall establish the service regional system as the primary method for the delivery of services to migrant children. The superintendent shall review and approve plans for the establishment of service regions and shall incorporate the following criteria in the approval of regional plans

(1) The boundaries of regions shall include all geographic areas with migrant and seasonal agricultural workers and fishermen.

(2) Regional service centers shall be located in areas with high concentrations of migrant and seasonal agricultural workers and fishermen. Regional headquarters shall be located in areas (i) requiring large numbers of these workers for a period of at least two consecutive months during each year, (ii) in areas which normally contract for migrant and seasonal agricultural workers with families rather than single adults, and (iii) in areas where migrant and seasonal agricultural workers are involved in the transition from hand labor to mechanization

(3) Regions shall be located in each geographic area of the state, except areas within the boundaries of directly funded districts

(4) Except areas within the boundaries of directly funded districts, regions shall be contiguous to one another and should have no less than 1,500 and no more than 8,000 currently migratory children based upon full-time equivalent enrollment. In no event shall a county be split among two separate regions in order to meet the requirements of this paragraph

(5) Regions shall be organized so as to provide quality services to all affected parties and maintain fiscal procedures in conformity with requirements adopted by the department

(6) The boundaries of regions shall be drawn in such a manner as to avoid excessive commuting by personnel or by participants in the programs, not to exceed 100 miles from the schoolsite to the operating agency

(7) If a proposed region cannot meet the criteria established in paragraphs (4) and (6) of subdivision (a), or both, it may request that the criteria be waived by the board. The waiver request shall be based upon a study, conducted by the entities, including their



respective parent advisory councils, comprising the proposed region, which explains why the waiver is required and which describes likely outcomes if the waiver is not granted

(8) This subdivision shall become operative on July 1, 1982.

(b) Agencies meeting the criteria set forth in this subdivision and subdivision (f) of Section 54441 may apply to the department for designation as a region. The application shall be in a format with sufficient information and at times designated by the Superintendent of Public Instruction. The application shall include documentation of active participation, review and comment by the appropriate parent advisory councils, and signatures by parent advisory council chairpersons that the review and comment has taken place, and shall further include documentation that the agencies and parent representative comprising the proposed regions have met as a group prior to submission of the application and have agreed upon the formation of, and participation in, the region and a general delineation of the services which will be provided in the region.

Directly funded districts shall be invited by the regions to participate in regional activities and meetings. Staff and parent advisory council members in the districts shall also be invited to regional inservice activities and conferences.

This subdivision shall become operative July 1, 1982.

(c) The State Department of Education may fund directly local educational agencies, in whole or in part, to provide services to eligible migrant children if it is cost effective to do so, if the applicant agency serves not less than 1,500, nor more than 8,000, currently migratory children, has sufficient programmatic and fiscal resources to deliver an effective migrant education program, is in compliance with the federal and state requirements regarding migrant education programs, maintains an ongoing and functional parent advisory council which has voted on a biennial basis to approve the participation in the directly funded program, including the approval of a majority of the members who are the parents of migrant children, and maintains fiscal procedures in conformity with the requirements adopted by the department. All districts which are directly funded on January 1, 1982, may continue to be funded directly, provided that the districts comply with the criteria prescribed by this subdivision, except for the size criterion.

(d) The responsibilities of the various parties involved in the delivery of services to migrant children shall be set forth in a service agreement. A service agreement shall be a legally binding contract signed by the duly constituted authorities at the state, county, district, or private or public nonprofit agencies, or a combination thereof. In the regional delivery system, there shall be two parties to every service agreement, the region and the district or other operating agencies in which the eligible migrant pupils are enrolled. When a district or agency is funded directly by the state, the parties

to the service agreement shall include the department and the district or operating agency in which the eligible migrant pupils are enrolled. The basic responsibilities of these three parties shall be as specified in Section 54444.4

The parties, whether regional or directly funded, shall take the necessary steps to ensure the effective involvement of the Migrant Parent Advisory Committee for that district or agency. Representatives of the Migrant Parent Advisory Committee shall have the right to be present and participate in all deliberations between the parties regarding the service agreement or any subsequent changes thereto. The service agreement shall include a signed statement from the officers of the Migrant Parent Advisory Committee signifying that such participation has occurred.

This subdivision shall become operative July 1, 1982.

(e) The Superintendent of Public Instruction shall develop an annual operating calendar for regions and directly funded districts including dates for the submission and approval of applications and service agreements. Any changes in regional boundaries for the subsequent fiscal year shall be made and approved by December 31 of the current year. Any changes in funding allocations for regions shall be made by December 31 of the current year or immediately after notification of a federal grant award.

This subdivision shall become operative July 1, 1982.

(f) The Superintendent of Public Instruction shall preserve the supplemental nature of the migrant education program. The program shall be maintained outside the supervision or above the administrative level of the consolidated application programs. The superintendent shall not incorporate the migrant education program into the consolidated application process, except as provided below.

(1) Commencing with the 1983-84 school year, directly funded districts may apply for migrant education funds as part of their consolidated application provided the district parent advisory council on migrant education approves the inclusion.

(2) Commencing with school year 1982-83 and pending the recommendations of the department study and task force report, a copy of the district's annual application for migrant education funds as required by Section 54443.1 shall be attached to the district's annual consolidated application.

SEC 3 Section 54528 of the Education Code is repealed.

SEC 4 Section 69655 of the Education Code is amended to read

69655 (a) Pursuant to Section 69648, the Chancellor of the California Community Colleges shall determine the elements of a statewide data base for the Community College Extended Opportunity Programs and Services, which shall be used for periodic evaluation of the programs and services. The data base shall include all information necessary to demonstrate the statewide progress towards achieving the program goals identified in Section 69640, and program objectives adopted pursuant to Section 69648 including, but

not limited to, all of the following.

(1) The annual number of extended opportunity programs and services (EOPS) students and non-EOPS students who complete degree or certificate programs, transfer programs, or other programs, as determined by state and local matriculation policies

(2) The annual number of EOPS and non-EOPS students who transfer to institutions which award the baccalaureate degree In implementing this paragraph, the chancellor shall work in cooperation with the California Postsecondary Education Commission, the President of the University of California, the Chancellor of the California State University, and the Association of Independent Colleges and Universities to establish methods for obtaining the necessary data.

(3) The annual number of EOPS and non-EOPS students completing occupational programs who find career employment

In implementing this paragraph, the chancellor shall integrate the data collection with existing data collection requirements pertaining to vocational education

(b) Beginning in January 1987, the chancellor shall annually report to the Legislature regarding the number of students served by the Community College Extended Opportunity Programs and Services and the number of EOPS students who achieve their educational objectives

SEC 5 Section 69657 of the Education Code is repealed

SEC. 6. Article 8 5 (commencing with Section 69660) of Chapter 2 of Part 42 of the Education Code is repealed

SEC 7 Section 8589 2 of the Government Code is repealed.

SEC. 8. Section 8839 of the Government Code is repealed

SEC. 9. Section 13337 3 is added to the Government Code, to read:

13337.3 (a) (1) "Advisory body" means every board, bureau, commission, committee, panel, task force, or similar group created by statute or executive order whose principal function is to review, advise, plan, advocate, or promote

(2) "State funded" means receiving direct or indirect support from the General Fund, from funds that could be made available for General Fund purposes, or from funds which could be used to free up General Fund moneys The determination of whether an advisory body is state funded shall be made by the Director of Finance.

(b) On and after January 1, 1993, moneys may not be expended for the support of any state-funded advisory body unless that advisory body is evaluated pursuant to this section

(c) The Governor's Budget submitted to the Legislature for the 1992-93 fiscal year shall include an addendum which evaluates the need for every state-funded advisory body in state government That addendum shall identify each advisory body along with the relevant statutory or executive order reference establishing the advisory body, the funding source for each advisory body, including all direct

and indirect costs and staff allocated, and an evaluation based on the following criteria

- (1) The function of the advisory body
- (2) Whether there is another appropriate governmental entity capable and suitable to carry on the function performed by the advisory body even if the new responsibility necessitates changing the composition or mandate of an existing body
- (3) Whether the size of the advisory body is no larger than necessary to assure a range of viewpoints and to reflect this state's diversity (7 to 13 members)
- (4) Whether consumers and the general public constitute a majority of voting members or is there justification for specific advice from experts only
- (5) Whether the advisory body is authorized to have an executive officer appointed by the advisory body, and subject to Senate confirmation
- (6) Whether the agenda of the advisory body is significant to the Legislature or to a constitutional officer or if the advisory body reports to the Legislature, or a constitutional officer, whether the Legislature or the constitutional officer share in the appointing authority. If the Governor makes all of the appointments, whether those appointments subject to Senate confirmation
- (7) Whether strict conflict-of-interest provisions are applicable for each appointed member of the advisory body and the meetings of the body are open to the public
- (8) Whether appointing authorities are directed to appoint persons reflecting the ethnic and cultural diversity of the state
- (9) Whether a clear working relationship exists between the advisory body and other governmental agencies with which the advisory body reviews, advises, or plans.
- (10) Where the advisory body is created to review and report on a specific issue, whether there is a date for reporting and a date at which time the advisory body shall terminate

SEC 9.5 Section 15972 of the Government Code is repealed

SEC 10. Section 15980 of the Government Code is amended to read:

15980 The Director of Transportation shall be responsible for generally monitoring the implementation of this part. The funds for administration and monitoring of this program by the Director of Transportation shall be funded by funds made available for that purpose from federal funds

SEC 11 Section 15982 of the Government Code is amended to read

15982 (a) Any social service transportation provider may request an exemption from coordination or consolidation as required under the action plan. The request for exemption shall be submitted to the Director of Transportation, who shall render a decision within 60 days after receiving the request. If the Director of Transportation

denies the request, it shall be forwarded to the California Transportation Commission, which shall render a decision within 60 days after receiving it

The request for exemption shall be granted if, on the basis of information submitted with the request, the Director of Transportation or the commission, as the case may be, finds that the effectiveness of the social transportation service provided the recipients would be impaired by consolidation or coordination.

(b) The Director of Transportation shall adequately inform social service program managers about these requirements well in advance of the deadlines outlined in this section

(c) The commission shall periodically review, as it deems necessary, the performance of the designated agencies to determine compliance with the action plans and conditions for approval

SEC 12 Section 16367 of the Government Code is repealed

SEC 13 Section 16367.1 of the Government Code is repealed

SEC 14 Article 1.9 (commencing with Section 16369) of Chapter 2 of Division 4 of Title 2 of the Government Code is repealed

SEC 15 Section 209 of the Health and Safety Code is repealed

SEC 16 Section 446.8 of the Health and Safety Code is repealed

SEC 17 Section 1528 of the Health and Safety Code is repealed

SEC 18 Section 1569.70 of the Health and Safety Code is repealed

SEC 19 Section 1596.865 of the Health and Safety Code is amended to read

1596.865. It is the intent of the Legislature to encourage any person who provides child care in a child day care facility licensed pursuant to this chapter, Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) to have the following elementary health care training.

(a) Cardiopulmonary resuscitation.

(b) Pediatric first aid

(c) Preventive health practices, including food preparation and sanitation practices, that reduce the spread of infectious diseases.

SEC 20. Section 1597.06 of the Health and Safety Code is repealed

SEC 21 Section 25412 of the Health and Safety Code is repealed

SEC 22 Section 25413 of the Health and Safety Code is repealed

SEC 23 Section 25414 of the Health and Safety Code is repealed

SEC. 24 Section 41514 of the Health and Safety Code is repealed

SEC. 25 Section 1864 of the Insurance Code is amended to read

1864 (a) On or before May 1 of each year, commencing in 1987, each insurer engaged in writing child care liability insurance coverage in this state shall submit to the commissioner a report of its operations regarding child care liability claims experience for the last preceding calendar year ending on December 31 on a form furnished by the commissioner. Each report shall separately state the following information for family day care homes, as defined in Section 1596.78

of the Health and Safety Code, and licensed child care centers, as defined in Section 1596.76 of the Health and Safety Code

- (1) Premiums earned
- (2) Premiums written
- (3) Number of claims
- (4) Number of new claims during the reporting period
- (5) Number of claims closed during the reporting period
- (6) Number of claims outstanding at the end of the reporting period
- (7) Total losses incurred
- (8) Total losses incurred as a percentage of premiums earned
- (9) Total number of policies in force on the last day of the reporting period
- (10) Total number of policies canceled
- (11) Total number of policies nonrenewed
- (12) Net underwriting gain or loss
- (13) Separate allocations of expenses for commissions, other acquisition costs, general office expenses, taxes, licenses and fees, and other expenses. The allocations required by this section shall be made by dividing the company's total premiums earned for child care liability insurance by its total premiums earned and applying the ratio determined to the expenses reported in the company's annual statement filed with the commissioner pursuant to Section 900.

(b) The commissioner shall develop and issue reporting forms to insurers at least 90 days prior to the due date of the reports required pursuant to this section.

(c) The Legislature finds that it is in the public interest of the policyholders of this state that insurers writing child care liability insurance permit remittance of premiums to occur on an installment basis.

(d) The information provided under this section pertaining to a specified claim, insurance policy, or insurer shall be confidential and shall only be revealed by the department on a nonspecific basis as part of an aggregate report of claims or policies.

SEC 26 Section 30796.5 of the Streets and Highways Code is repealed.

SEC 27 Section 1660.6 of the Vehicle Code is repealed.

SEC 28 Section 35581 of the Vehicle Code is amended to read:  
35581 (a) The Department of Transportation, in cooperation with the Department of California Highway Patrol, shall develop a plan for implementing or identifying new or existing scale facilities at major intermodal terminals which may serve as intermodal weighing facilities for weighing commercial vehicles which transport intermodal freight, prior to their entry onto any highway which is not specifically exempted from weight limitations by a local authority. The plan shall include consideration of options for financing the construction of required intermodal weighing facilities. The plan

shall be submitted to the Legislature not later than August 1, 1989

(b) The Department of Transportation may enter into agreements with local authorities or private entities to provide for exemption from weight restrictions for short distance movement to an intermodal weighing facility

(c) The Department of Transportation shall submit an annual report not later than August 1, 1990, and August 1 each year thereafter, describing its progress in developing the intermodal weight determination program, and its recommendations for the future of the program

SEC 29 Section 5692 of the Welfare and Institutions Code is repealed.

SEC 30. It is the intent of the Legislature, in adding Section 13337.3 to the Government Code by Section 9 of this act, to utilize the evaluation prepared by the executive branch in order to consider which advisory boards should continue and which ones should be terminated. If the Legislature agrees with an evaluation and recommendation prepared pursuant to Section 13337.3 that an advisory board should be continued, the Legislature shall include an appropriation for that advisory body in the Budget Act of 1992. If the Legislature agrees with an evaluation and recommendation prepared pursuant to Section 13337.3 that an advisory body should be terminated, the Legislature intends to only provide funding in the Budget Act of 1992 for that advisory board until January 1, 1993, after which funding shall not be available, and the Legislature intends to enact legislation in 1992, effective January 1, 1993, to terminate that advisory body and any other advisory body that it agrees should be terminated.

# CALIFORNIA POSTSECONDARY EDUCATION COMMISSION

THE California Postsecondary Education Commission is a citizen board established in 1974 by the Legislature and Governor to coordinate the efforts of California's colleges and universities and to provide independent, non-partisan policy analysis and recommendations to the Governor and Legislature

## Members of the Commission

The Commission consists of 17 members. Nine represent the general public, with three each appointed for six-year terms by the Governor, the Senate Rules Committee, and the Speaker of the Assembly. Six others represent the major segments of postsecondary education in California. Two student members will be appointed by the Governor.

As of January 1992, the Commissioners representing the general public are

Helen Z Hansen, Long Beach, *Chair*  
Henry Der, San Francisco, *Vice Chair*  
Mim Andelson, Los Angeles  
C Thomas Dean, Long Beach  
Rosalind K Goddard, Los Angeles  
Mari-Luci Jaramillo, Emeryville  
Lowell J Paige, El Macero  
Mike Roos, Los Angeles  
Stephen P Teale, M D, Modesto

Representatives of the segments are

William T Bagley, San Francisco, appointed by the Regents of the University of California,

Joseph D Carrabino, Los Angeles, appointed by the California State Board of Education,

Timothy P Haidinger, Rancho Santa Fe, appointed by the Board of Governors of the California Community Colleges,

Ted J Saenger, San Francisco, appointed by the Trustees of the California State University, and

Harry Wugalter, Ventura, appointed by the Council for Private Postsecondary and Vocational Education

The position of representative of California's independent colleges and universities is currently vacant, as are those of the two student representatives

## Functions of the Commission

The Commission is charged by the Legislature and Governor to "assure the effective utilization of public postsecondary education resources, thereby eliminating waste and unnecessary duplication, and to promote diversity, innovation, and responsiveness to student and societal needs."

To this end, the Commission conducts independent reviews of matters affecting the 2,600 institutions of postsecondary education in California, including community colleges, four-year colleges, universities, and professional and occupational schools.

As an advisory body to the Legislature and Governor, the Commission does not govern or administer any institutions, nor does it approve, authorize, or accredit any of them. Instead, it performs its specific duties of planning, evaluation, and coordination by cooperating with other State agencies and non-governmental groups that perform those other governing, administrative, and assessment functions.

## Operation of the Commission

The Commission holds regular meetings throughout the year at which it debates and takes action on staff studies and takes positions on proposed legislation affecting education beyond the high school in California. By law, its meetings are open to the public. Requests to speak at a meeting may be made by writing the Commission in advance or by submitting a request before the start of the meeting.

The Commission's day-to-day work is carried out by its staff in Sacramento, under the guidance of its executive director, Warren H Fox, Ph D, who is appointed by the Commission.

The Commission publishes and distributes without charge some 20 to 30 reports each year on major issues confronting California postsecondary education. Recent reports are listed on the back cover.

Further information about the Commission and its publications may be obtained from the Commission offices at 1020 Twelfth Street, Third Floor, Sacramento, CA 95814-3985, telephone (916) 445-7933.



## The Role, Structure, and Operation of the Commission

### California Postsecondary Education Commission Report 91-17

ONE of a series of reports published by the Commission as part of its planning and coordinating responsibilities. Additional copies may be obtained without charge from the Publications Office, California Postsecondary Education Commission, Third Floor, 1020 Twelfth Street, Sacramento, California 95814-3985

Recent reports of the Commission include

**91-1** Library Space Standards at the California State University. A Report to the Legislature in Response to Supplemental Language to the 1990-91 State Budget (January 1991)

**91-2** Progress on the Commission's Study of the California State University's Administration. A Report to the Governor and Legislature in Response to Supplemental Report Language of the 1990 Budget Act (January 1991)

**91-3** Analysis of the 1991-92 Governor's Budget. A Staff Report to the California Postsecondary Education Commission (March 1991)

**91-4** Composition of the Staff in California's Public Colleges and Universities from 1977 to 1989. The Sixth in the Commission's Series of Biennial Reports on Equal Employment Opportunity in California's Public Colleges and Universities (April 1991)

**91-5** Status Report on Human Corps Activities, 1991. The Fourth in a Series of Five Annual Reports to the Legislature in Response to Assembly Bill 1829 (Chapter 1245, Statutes of 1987) (April 1991)

**91-6** The State's Reliance on Non-Governmental Accreditation, Part Two. A Report to the Legislature in Response to Assembly Bill 1993 (Chapter 1324, Statutes of 1989) (April 1991)

**91-7** State Policy on Technology for Distance Learning. Recommendations to the Legislature and the Governor in Response to Senate Bill 1202 (Chapter 1038, Statutes of 1989) (April 1991)

**91-8** The Educational Equity Plan of the California Maritime Academy. A Report to the Legislature in Response to Language in the Supplemental Report of the 1990-91 Budget Act (April 1991)

**91-9** The California Maritime Academy and the California State University: A Report to the Legislature and the Department of Finance in Response to Supplemental Report Language of the 1990 Budget Act (April 1991)

**91-10** Faculty Salaries in California's Public Universities, 1991-92. A Report to the Legislature and Governor in Response to Senate Concurrent Resolu-

tion No 51 (1965) (April 1991)

**91-11** Updated Community College Transfer Student Statistics, Fall 1990 and Full-Year 1989-90. A Staff Report to the California Postsecondary Education Commission (April 1991)

**91-12** Academic Program Evaluation in California, 1989-90: The Commission's Fifteenth Annual Report on Program Planning, Approval, and Review Activities (September 1991)

**91-13** California's Capacity to Prepare Registered Nurses. A Preliminary Inquiry Prepared for the Legislature in Response to Assembly Bill 1055 (Chapter 924, Statutes of 1990) (September 1991)

**91-14** Supplemental Report on Academic Salaries, 1990-91. A Report to the Governor and Legislature in Response to Senate Concurrent Resolution No 51 (1965) and Supplemental Language to the 1979, 1981, and 1990 Budget Acts (September 1991)

**91-15** Approval of Las Positas College in Livermore. A Report to the Governor and Legislature on the Development of Las Positas College -- Formerly the Livermore Education Center of Chabot College (September 1991)

**91-16** Update on Long-Range Planning Activities. Report of the Executive Director, September 16, 1991 (September 1991)

**91-17** The Role, Structure, and Operation of the Commission. A Preliminary Response to Senate Bill 2374 (October 1991)

**91-18** 1991-92 Plan of Work for the California Postsecondary Education Commission. Major Studies and Other Commission Activities (October 1991)

**91-19** Reauthorization of the Higher Education Act of 1965 as Amended. A Report to California's Congressional Delegation Summarizing Consensus in California's Higher Education Community Regarding Proposed Revisions of the Act (December 1991)

**91-20** Student Fees, Access, and Quality. Prospects and Issues for the 1992-93 Budget Process (December 1991)

**91-21** Legislative and State Budget Priorities of the Commission, 1992. A Report of the California Postsecondary Education Commission (December 1991)

**91-22** Proposed Construction of the Western Nevada County Center, Sierra Joint Community College District. A Report to the Governor and Legislature in Response to a Request for Capital Funds for a Permanent Off-Campus Center in the Grass Valley/Nevada City Area (December 1991)